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WESTERN DISTRICT OF TEXAS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

JUL 26 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

BERHARDT TIEDE II, et al.,
Plaintiffs

vs.

Civil Action No. 1:23-cv-1004-RP

BRYAN COLLIER, et al.,
Defendants.

INTERVENOR'S MOTION TO INTERVENE

TO THE HONORABLE U.S. DISTRICT COURT JUDGE ROBERT
PITMAN:

Intervenor, CLIFFORD FAIRFAX, pursuant to the
provisions of Rule 24 of Federal Rules of Civil Proce-
dure, files this motion to intervene pro se and
would respectfully show unto this honorable U.S.
District Court as follows:

Relief Sought

Intervenor moves this court for an order permitting

him to intervene as a plaintiff in this action as a matter of right under Rule 24 (a) of Federal Rules of Civil Procedure or in the alternative allowing him permissive intervention as a plaintiff in the matter under Rule 24 (b) of Federal Rules of Civil Procedure

Grounds for Intervention

Intervenor, Clifford Fairfax, is entitled to intervene in this action as a matter of right because:

1. He is presently held in custody in TDCJ-CID on the Charles T. Terrell Unit by virtue of parole revocation warrant returning him back in prison on bogus technical parole violation charges, and being housed on the Terrell Unit in a without air-conditioning inmate living area and bed, and despite of his serious medical conditions... which makes him medically vulnerable to have heat related illnesses.
2. He is one of the putative class of 85,000 TDCJ prison inmates who is at risk of serious medical harm and possible death... if left without air conditioning over the summer(s).
3. Defendants and their agents are deliberately

exposing him and other inmates to excessive and extreme heat temperature conditions in TDCJ-CJA, and as well as the Defendants and their agents refuses to comply with their own TDCJ's Administrative Directive Number AD-10.64 "Ex-cessive Heat conditions" procedures and also refuses to implement additional heat mitigation measures.

3. Defendants and their agents are forcing him to work in the Terrell Unit Cannery which does not have air-conditioning and always have a heat index of 103° - 143° degrees in the summer, and despite of his TDCJ ASM-18 Medical No Humidity Extremes and No Temperature Extremes Work Restrictions.
4. Therefore, Intervenor Clifford Fairfax has an unconditional right to intervene in this action as a party plaintiff in this action under 42 U.S.C. § 1983, 42 U.S.C. § 12101, and 28 U.S.C. § 701.

In the alternative, Intervenor Clifford Fairfax should be granted permissive Intervention under Rule 24(b)

because:

1. His claims and those of the representative plaintiffs in this action have obvious common questions of law and fact. If not, this action would not have been declared by this Court... a "putative

class of 85,000 TDCJ prisoners.¹¹

2. The addition of intervenor Clifford Fairfax as a party plaintiff in this action will not unduly delay or prejudice any party. As noted above, this motion to intervene is being brought pursuant to Rule 24 and in a timely manner,

WHEREFORE, Intervenor Clifford Fairfax prays that this Court enter an Order granting him to intervene as a plaintiff in this action.

Respectfully submitted,



CLIFFORD FAIRFAX

Intervenor Pro se

TDCJ #418151

1300 FM 655 - Terrell Unit

Rushston, Texas
72583

CLIFFORD FAIRFAX
7DCJ # 418151
1300 FM 655 - Terrell Unit
Rothman, Texas
77583

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